

Hornick, John

From: Nagel, Robert [rnagel@orrick.com]
Sent: Tuesday, March 07, 2006 12:52 AM
To: Grabow, Troy
Cc: bhanu.sadasivan@hellerehrman.com; robert.hawk@hellerehrman.com
Subject: RE: ConnectU v. Zuckerberg - Supplemental Production of February 22, 2006

Troy,

As I stated in my February 28, 2006 letter, Facebook Defendants have produced all of the Evidence Inventory & Processing forms received from Berryhill Computer Forensics. An image file set can be created without generating a form, so the interrogatory responses, as well as the deposition testimony, are wholly consistent with the documents produced.

Regarding the 371-04 through 371-08 devices, Facebook Defendants produced TFB000094 - 98, and TFB000100, 101, 103, and 107 regarding these devices, evidencing imaging, which was confirmed during the 30(b)(6) deposition of Facebook. Any related documents that have not been produced are protected attorney work product.

With regard to the alleged illegibility, despite ConnectU's indications at the 30(b)(6) deposition of Facebook that the images were fine, Facebook Defendants will produce more legible copies of the devices you identified.

Sincerely,

Rob

Rob Nagel
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From: Grabow, Troy [mailto:troy.grabow@finnegan.com]
Sent: Wednesday, March 01, 2006 8:36 PM
To: Nagel, Robert
Cc: Cooper, Monte; bhanu.sadasivan@hellerehrman.com; robert.hawk@hellerehrman.com; Chatterjee, I. Neel; Hornick, John; Esquenet, Margaret; Hart, Pat
Subject: ConnectU v. Zuckerberg - Supplemental Production of February 22, 2006

Robert,

This email relates to your letter of February 28, 2006, and the enclosed enlarged copies of TFB000091, 92, 94 and 95 and supplemental production TFB000107.

With respect to the first issue set forth in my letter of February 24, 2006, is it your position that Berryhill Computer Forensics did not prepare "Evidence Inventory & Processing" forms for device nos. 371-04, 371-05, 371-06, 371-07, 371-09, and 371-10? If so, how is this consistent with Facebook Defendants' interrogatory responses that stated that an image file set was created for each device (see Interrog. No. 25)? We can only assume that an image was not taken of these devices. If an image was in fact created, please produce any documents evidencing such imaging.

With respect to the second issue, is there a reason Facebook Defendants are refusing to produce any documents from device nos. 371-04 and 371-08? If there is not a reason, please produce all responsive documents immediately.

With respect to the third issue, the copies you enclosed are still illegible. They appear to be a simple enlargement of the illegible paper copies you provided before. In fact, many of them are more blurry than the first set you produced. TFB000093 is also illegible. Please make legible copies of these hard drives and produce them immediately.

Sincerely,
Troy

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